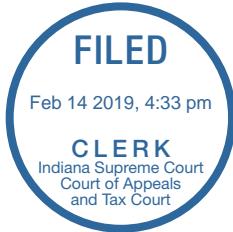


In the Indiana Supreme Court

In the Matter of: Matthew V. Daley,
Respondent

Supreme Court Case No.
19S-DI-40



Published Order Approving Statement of Circumstances and Conditional Agreement for Discipline

Pursuant to Indiana Admission and Discipline Rule 23(12.1)(b), the Indiana Supreme Court Disciplinary Commission and Respondent have submitted for approval a “Statement of Circumstances and Conditional Agreement for Discipline” stipulating agreed facts and proposed discipline as summarized below.

Stipulated Facts: JB and KW committed various crimes, including burglary of a home. JB was arrested first and told police of KW’s involvement. Respondent was appointed as JB’s public defender. JB told Respondent a co-defendant was involved and that JB wanted to serve as a witness for the prosecution. Respondent did not read the probable cause affidavit in JB’s case (which identified JB and KW as co-defendants) or otherwise seek to identify JB’s co-defendant.

KW was arrested about two months later and was appointed a public defender. However, Respondent agreed to privately represent KW and accepted \$1,450 as a partial retainer. Respondent instructed his paralegal to file an appearance and other documents on KW’s behalf, but the paralegal did not do so and Respondent failed to supervise his paralegal to ensure the various documents were filed. KW did not mention a co-defendant during his initial meeting with Respondent, and the probable cause affidavit in KW’s case identified JB only by a nickname.

Following a pretrial conference in KW’s case, Respondent was confronted with the fact he was representing both JB and KW as co-defendants. Upon learning this, Respondent immediately sought to withdraw his representation of both JB and KW, refunded the partial retainer that had been paid on KW’s behalf, and apologized for the confusion.

JB, represented by new counsel, and KW, represented by his public defender, both eventually pled guilty.

Violations: The parties agree that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

- 1.1: Failure to provide competent representation.
- 1.7(a): Representing a client when the representation involves a concurrent conflict of interest.

5.3(b): Failure to make reasonable efforts to ensure that the conduct of a nonlawyer employee over whom the lawyer has direct supervisory authority is compatible with the professional obligations of the lawyer.

Discipline: The parties propose the appropriate discipline is a public reprimand. This discipline is consistent with that imposed in other cases involving similar misconduct. *See Matter of Godshalk*, 987 N.E.2d 1095 (Ind. 2013). The Court, having considered the submissions of the parties, now approves the agreed discipline and imposes a **public reprimand** for Respondent's misconduct.

The costs of this proceeding are assessed against Respondent.

Done at Indianapolis, Indiana, on 2/14/2019.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.